

REMARKS

After entry of this Amendment, claims 1-10 are pending in the application. None of the claims have been amended or cancelled and no new claims have been added. Reconsideration of the application as amended is requested.

The Restriction Requirement has been made final. Pursuant to 37 CFR 1.144 and MPEP 818.03(c), Applicants request reconsideration of the requirement. The arguments against the requirement are maintained. Furthermore, with respect to comments in the outstanding Office Action, the fact that searches are to be made in different classifications is not by itself sufficient to sustain a restriction requirement. M.P.E.P. § 808.02 indicates that separate classifications can be asserted in order to establish reasons for insisting upon restriction. However, M.P.E.P. § 808.02 also indicates that the showing of separate classifications is only relevant if the related inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06. As set forth more fully in the response to the Restriction Requirement dated 09/27/2007, the related inventions as claimed have not been shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06.

Claims 1-8 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and also under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. The specification also stands objected to. The Examiner indicates that the terms bearing ratio, roughness core profile, material ratio, frequency distribution, and half width are not effectively defined. MPEP 608.01(g) permits an applicant to use his or her own terminology. Each term identified by the Examiner is addressed below. If

the remarks below do not address the Examiner's concerns, a detailed explanation as to each disputed term is requested. It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. M.P.E.P. § 706.02(j). The application provides descriptions of each of the disputed terms, identifies an international testing standard for acquiring values for two of the disputed terms, sets forth specific numerical examples of the disputed terms in the text and in tables, and illustrates graphs for several of the disputed terms.

- Bearing Ratio – This term is defined in the specification as-filed starting at page 4, line 29 of the English translation through page 5, line 2. The specification gives a general description and a specific example of the bearing ratio on pages 4 and 5. Later in the specification, a table of bearing ratios and depths is provided. Claim 1 recites a specific bearing ratio and a specific depth at which the bearing ratio is assessed.
- Roughness Core Profile – This term is defined in the specification as-filed at page 5, lines 7 – 19 of the English translation. Also, Figures 1a and 2a show exemplary roughness core profiles. In addition, the specification cites to an international standard, EN ISO 13565-2. A copy this testing standard is submitted with this Amendment as an Examination Support Document. Claim 1 recites a specific depth of the roughness core profile. One of ordinary skill would know how to access and apply an international testing standard that is identified by number.
- Material Ratio – This term is defined in the specification as-filed at page 5, lines 21 – 25 of the English translation. The preceding paragraph of the specification has been amended to address any confusion about the material ratio in the claims. The

specification also cites to the international standard EN ISO 13565-2 for the material ratio and Figures 1b and 2b illustrate exemplary material ratios.

- Frequency Distribution – This two-word term is not a specialized term in the art. Its use in the specification and the claims is based on the ordinary English definitions of the two terms "frequency" and "distribution" individually and should be interpreted together based on the grammatical rules of the English language. "Frequency" is an adjective modifying the noun "distribution." This term is defined in the specification as-filed at page 5, lines 1 – 9 of the English translation. Figures 1c and 2c illustrate exemplary frequency distributions.
- Half width – This two-word term is not a specialized term in the art. Its use in the specification and the claims is based on the ordinary English definitions of the two terms "half" and "width" individually and should be interpreted together based on the grammatical rules of the English language. "Half" is an adjective modifying the noun "width." The half width of an exemplary frequency distribution is described at page 9, lines 2 – 3 of the English translation; this description is made in reference to Figure 1b.

Claims 1-4, and 7-8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Damour, U.S. Pat. No. 6,540,403. The rejection is traversed. Damour does not disclose or suggest any of the elements recited in the claims. If the rejection is maintained, it is requested that the Examiner identify, by page and line number, the basis for the rejection of each claim. It is important that the written record clearly explain the rationale for decisions made during prosecution of the application. M.P.E.P. § 706.02(j).

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Damour, U.S. Pat. No. 6,540,403, in view of official notice of common knowledge in the art, and/or, in the alternative, engineering design. The Examiner states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the additional features of alloys, etc. in question, since it was known in the art to do so to provide the function(s) disclosed. Neither common knowledge nor engineering design are acceptable substitutes for prior art. The prior art of record does not disclose any of the features recited in claims 5 and 6, nor does the art disclose any of the features recited in claim 1 from which claims 5 and 6 depend. If the rejection is maintained, it is requested that the Examiner identify, by page and line number, the basis for the rejection of each claim. It is important that the written record clearly explain the rationale for decisions made during prosecution of the application. M.P.E.P. § 706.02(j).

If the Examiner believes that prosecution of the application can be expedited by way of an Interview, the Examiner is invited to contact the Applicants' attorney at the telephone number listed below.

Respectfully submitted,
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